

CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor



DEPARTMENT OF PUBLIC WORKS

OFFICE OF THE DIRECTOR
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December 7, 2012

VIA OVERNIGHT MAIL

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U.S. Department of Justice
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Reference DOJ Case No. 90-5-1-1-4402/1

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Ladies and Gentlemen:

Thank you for your letter of September 10, 2012, proposing modifications to the Baltimore City Sanitary Sewer Overflow ("SSO") Consent Decree. We are reviewing the proposed modifications and will have a substantive response to you in advance of our January 30, 2013 meeting.

Much has happened since our last discussions on the Consent Decree in April. Accordingly, I thought it would be helpful to explain what the City has been doing in the interim and detail the timing and content of submissions you will be receiving at the end of this year from the City.



Sewershed Report Revisions

The City has been moving forward with revisions to the various sewershed studies in accordance with the directions received in the May 10, 2012 email from Michelle Price-Fay to Arthur Jones-Dove. Specifically, the City is evaluating hydraulic and capacity improvement projects necessary to achieve a five-year and ten-year level of protection (“LOP”) using 20 years of documented City rainfall data. The City will propose improvement projects that will yield a minimum five-year LOP. Where remaining model predicted overflows occur in sensitive areas, each location will be evaluated on a case-by-case basis for a greater LOP improvement project.

The City will submit a “Sewershed Study and Plan Amendment” (the “Plan Amendment”) to EPA, MDE and DOJ by December 31, 2012 as requested. The Plan Amendment will include conservative assumptions relative to the anticipated future flows from Baltimore County.

The City continues to aggressively move ahead with other major investments to improve its infrastructure to address SSOs. The City will proceed with the design and implementation of the recommendations included in the Revised Plan. Specifically, the City will perform the following:

1. Invest approximately \$300 million in structural improvements to our sewer system. These projects are located in all sewersheds and will be completed by the end of December 2015.
2. Expedite \$150 to \$200 million in improvements to the Back River Wastewater Treatment Plant to remove a hydraulic restriction that is contributing to recurring SSOs in the collection system.
3. Invest nearly \$50 million per year in preventive maintenance improvements through a newly created Asset Management Division focused on restoring operational reliability to our wastewater, water and stormwater systems, thereby reducing the occurrence of dry weather SSOs.

Integrated Planning

As you are aware, Baltimore City is in the process of developing an integrated planning framework (“IPF”) that will enable the City to prioritize projects in a way that achieves maximum environmental benefit while meeting its regulatory obligations. As discussed during

our September 24, 2012 presentation, the development of an IPF and modifications of the Consent Decree are interrelated. The City anticipates that further development and refinement of the IPF needs to be reconciled with the proposed modifications to the Consent Decree, particularly as it relates to the timing of completion of projects required under the Consent Decree.

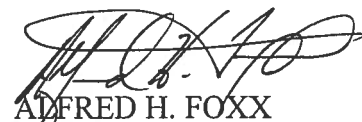
The City has recently completed Phase 1 of the IPF. The next steps include refinements in the IPF plan, updating our prioritized project list based on the 2014 capital improvement program planning input, a regulatory agency workshop to review details of the Phase I report, broader engagement of stakeholders and completion of the final draft report. The revised draft Phase I report is anticipated to be complete by the end of this year and will be distributed to EPA, MDE and DOJ for your review and comment.

Following submission of the draft Phase I report, the City would like to schedule a workshop with the regulators to review the details of the report, respond to questions and receive agency feedback. A final Phase I IPF report will be ready for distribution to the stakeholders after agency input. The City would then be prepared to incorporate modifications to the Consent Decree to implement the IPF recommendations.

We look forward to our continued discussions with you as we complete development of our IPF. We recognize that Baltimore City will be one of the first communities to commit to, and implement, this new program. The City is committed to using the IPF as a model that can be used elsewhere throughout the country to advance EPA's goals.

Thank you for your continued cooperation in working towards our mutual goal of advancing the Consent Decree and IPF. Please contact me with any questions or comments.

Respectfully,



ALFRED H. FOXX
DIRECTOR

AHF/DMC:ela